King County
Elections

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U.S. Congress
Senator Patty Murray
173 Russell Senate Office Building
Washington DC 20510

Dear Senator Murray:

I am writing to you because King County Elections needs your assistance.

Since January of 2006, King County Elections has been engaged in an effort to plan and implement the technologies, systems, procedures and policies to transition to vote by mail. The planning process has been diligent, done in collaboration with the County Executive, County Council and in consultation with the Office of the Secretary of State. King County Election staff has consulted with experts across the country to develop a plan designed to best ensure success while keeping local stakeholders informed. Information, reports and documentation on the transition to vote by mail can be found online at: http://www.kingcounty.gov/elections/voting/votebymail.aspx

An upgraded tabulation system is a key component to the transition to vote by mail as King County's existing technology is 16 years old, at the end of its life expectancy and a poor solution for processing up to 1 million mail ballots in the state's largest county. King County Elections is a rather unique election jurisdiction compared to other large jurisdictions across the country because of the sheer volume of mail ballots that must be counted in a central location. In order to meet this unique need, King County Elections went through a lengthy and competitive process to examine and select a solution for upgrading the tabulation system. Ultimately, after months of study, we determined that an upgraded system from our current vendor Premier Election Solutions was the best choice.

In order to implement new equipment for the primary and general election in 2009, Premier's system must be certified by the first week of February 2009. This is the final deadline that will allow King County to do acceptance testing, process development, a security review and then use the equipment in a special election. We are increasingly concerned this will not happen in time.

As you are aware, the certification of voting systems was made the responsibility of the Election Assistance Commission (EAC) in the Help America Vote Act of 2002. Premier has been engaged with the EAC and SysTest, the first voting system test lab accredited through the

program, since early in 2007 to achieve certification of the upgraded tabulation system greatly needed by King County. King County Election staff has monitored the certification process closely in cooperation with the Washington Secretary of State. Furthermore, King County staff traveled to SysTest offices in Denver to observe testing, required Premier to provide weekly updates on the progress of the certification process, attempted to communicate regularly with the EAC staff and attended national conferences and workshops to monitor and stay informed on the certification process. It has been a frustrating process to observe.

Communications between the EAC, vendors, and test labs has devolved into finger pointing and defensiveness with little progress made in the past twelve months. The EAC released a memo last May attempting to shed light on the status of the certification program that was little more than a series of bureaucratic excuses for delays in the program. Our response to the memo is attached and the EAC memo can be found online at http://www.eac.gov/program-areas/voting-systems/docs/eac-cert-program-update-to-election-officials-5-2.08/attachment_download/file

More recently, EAC Commissioner Gracia M. Hillman issued a response to a recent article in the *New York Times*. (Please find the article attached and the response at: http://www.eac.gov/about/commissioners/hillman/docs/hillman-response-to-august-16-new-york-times-article.pdf/attachment_download/file). Ms. Hillman's response outlines various options for mitigating the delays in the certification process that were presented to the commissioners by the EAC staff at a July 21st public meeting. The discussion and recognition of the issue is a step in the right direction, however, in six months time we have received no communication on implementation of any of the options.

It is our observation that all three entities (EAC, vendors, and test labs) share responsibility for the repeated delays in the process. Meanwhile the election calendar moves forward with no foreseeable possibility for election administrators to upgrade technology and to achieve enhanced security and accountability of the nation's election system. Unfortunately, inaction and failing leadership by the EAC present a significant risk that could ultimately derail King County's success in the 2010 and 2012 elections to come.

King County Elections has worked long and hard reforming the administration of elections in the last five years. King County is eager to join the other 37 counties in the state that now conduct all elections by mail. In order to achieve this goal, we need a federally certified modern vote tabulation system for the 14th largest county in the nation. Your oversight and attention to this matter is greatly needed.

Please do not hesitate to contact me directly if you have any questions or would like further background information. If your staff has questions surrounding these issues, they can contact the King County Vote by Mail Transition Manager Bill Huennekens at 206.296.9932 or bill.huennekens@kingcounty.gov.

Sincerely,

Sherril Huff, Director
King County Elections